

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

SEVENTY-NINTH LEGISLATIVE DAY
TUESDAY, MARCH 27, 2012

House of Representatives

The House convened at 9 a.m., the Speaker in the Chair.

Roll call showed 69 members present.
Absent and excused – Sims. Total – 1.
Total – 70.

Prayer was offered by Representative Ken Roberts.

The Pledge of Allegiance was led by Holly Monaghan, Page.

Approval of Journal

March 27, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Seventy-eighth Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

Consideration of Messages from the Governor and the Senate

OFFICE OF THE GOVERNOR
Boise

March 26, 2012

The Honorable Lawrence Denney
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House bills, to wit:

[H 396](#), [H 397](#), [H 399](#), [H 400](#), [H 401](#), [H 513](#), [H 616](#), [H 617](#), and [H 618](#)

As Always - Idaho, "Esto Perpetua"
/s/ C.L. "Butch" Otter
Governor

OFFICE OF THE GOVERNOR
Boise

March 26, 2012

The Honorable Lawrence Denney
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House bill, to wit:

[H 512](#), as amended

within the time prescribed by law, the same having arrived in the Office of the Governor at the hour of 10:05 a.m. on March 21, 2012.

I support the intent of this legislation. However, concerns raised have led the parties involved to agree that language that was struck this year will be placed back into Idaho Code in 2013. The language struck read: "The right is reserved to the state of Idaho to audit the funds of the commission at any time."

I look forward to working with all parties in resolving these concerns during the 1st Regular Session of the 62nd Idaho Legislature.

As Always - Idaho, "Esto Perpetua"
/s/ C.L. "Butch" Otter
Governor

March 26, 2012

Mr. Speaker:

I transmit herewith enrolled [S 1243](#), as amended in the House, as amended in the House, and [S 1274](#), as amended in the House, for the signature of the Speaker.

NOVAK, Secretary

The Speaker announced he was about to sign enrolled [S 1243](#), as amended in the House, as amended in the House, and [S 1274](#), as amended in the House, and, when so signed, ordered them returned to the Senate.

March 26, 2012

Mr. Speaker:

I return herewith enrolled [H 426](#), as amended in the Senate, which has been signed by the President.

NOVAK, Secretary

Enrolled [H 426](#), as amended in the Senate, was referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

March 26, 2012

Mr. Speaker:

I return herewith [H 458](#), [H 682](#), [H 668](#), [H 669](#), [H 674](#), [H 675](#), and [H 676](#) which have passed the Senate.

NOVAK, Secretary

[H 458](#), [H 682](#), [H 668](#), [H 669](#), [H 674](#), [H 675](#), and [H 676](#) were referred to the Judiciary, Rules, and Administration Committee for enrolling.

March 26, 2012

Mr. Speaker:

I return herewith [H 542](#), as amended, which has failed to pass the Senate.

NOVAK, Secretary

[H 542](#), as amended, was ordered filed in the office of the Chief Clerk.

Report of Standing Committees

Mr. Cronin asked, pursuant to Rule 45, that [S 1358](#), as amended, be reported forthwith out of the Education Committee to which it had been referred.

Mr. Nonini moved that the committee be excused. Seconded by Mr. Bayer.

The question being, "Shall the motion carry?"

Roll call resulted as follows:

AYES – Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Chadderdon, Collins, Crane, DeMordaunt, Ellsworth, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nielsen, Nonini, Palmer, Perry, Roberts, Schaefer, Shepherd, Simpson, Stevenson, Thayne, Thompson, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 48.

NAYS – Anderson, Buckner-Webb, Burgoyne, Chew, Cronin, Eskridge, Higgins, Jaquet, Killen, King, Lacey, Nesset, Patrick, Pence, Raybould, Ringo, Rusche, Shirley, Smith(30), Smith(24), Trail. Total – 21.

Absent and excused – Sims. Total – 1.

Total – 70.

Whereupon the Speaker declared the motion carried and the committee was excused.

March 27, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [H 697](#).

WILLS, Chairman

[H 697](#) was filed for second reading.

March 27, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled [H 439](#), as amended, as amended in the Senate, [H 631](#), as amended, [H 443](#), [H 479](#), as amended, [H 577](#), [H 599](#), [H 414](#), [H 651](#), [H 485](#), as amended, [HCR 47](#), and [HJM 14](#).

WILLS, Chairman

The Speaker announced he was about to sign enrolled [H 439](#), as amended, as amended in the Senate, [H 631](#), as amended, [H 443](#), [H 479](#), as amended, [H 577](#), [H 599](#), [H 414](#), [H 651](#), [H 485](#), as amended, [HCR 47](#), and [HJM 14](#) and, when so signed, ordered them transmitted to the Senate for the signature of the President.

March 27, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled [H 603](#), [H 626](#), [H 607](#), [H 645](#), [H 487](#), [H 632](#), [H 593](#), [H 633](#), [H 654](#), [H 655](#), [H 368](#), as amended, [H 452](#), [H 518](#), [H 536](#), [H 553](#), [H 576](#), [H 494](#), [H 608](#), [H 539](#), [H 635](#), [H 657](#), [H 658](#), [H 664](#), [H 665](#), [H 572](#), [H 591](#), [H 613](#), and [H 659](#) to the Governor at 1:43 p.m., as of this date, March 26, 2012.

WILLS, Chairman

March 27, 2012

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration [H 662](#) and recommend that it do pass.

NONINI, Chairman

[H 662](#) was filed for second reading.

There being no objection, the House advanced to the Eighth Order of Business.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 698 BY EDUCATION COMMITTEE AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-1004E, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CERTAIN INCREASES TO BASE AND MINIMUM SALARIES, TO REVISE PROVISIONS RELATING TO CERTAIN ADJUSTMENTS TO A DISTRICT'S SALARY-BASED APPORTIONMENT AND TO PROVIDE THAT FOR FISCAL YEAR 2014, CERTAIN STATE FUNDS APPROPRIATED SHALL BE DIRECTED PURSUANT TO CERTAIN PROVISIONS OF LAW AND ALSO FOR COSTS ASSOCIATED WITH ANY INCREASE IN THE NUMBER OF SUPPORT UNITS, PRIOR TO FUNDING OF ANY OTHER INCREASES IN THE EDUCATIONAL SUPPORT PROGRAM; AND PROVIDING A CONTINGENT SUNSET DATE.

[H 698](#) was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

[S 1390](#), as amended, by Judiciary and Rules Committee, was read the second time by title and filed for third reading.

[S 1395](#), [S 1348](#), as amended, and [S 1407](#), by State Affairs Committee, were read the second time by title and filed for third reading.

[S 1406](#), [S 1409](#), [S 1410](#), and [S 1408](#), by Finance Committee, were read the second time by title and filed for third reading.

[H 564](#), as amended, as amended in the Senate, by Education Committee, was read the second time by title and filed for third reading.

[H 693](#), by Ways and Means Committee, was read the second time by title and filed for third reading.

There being no objection, the House returned to the Seventh Order of Business.

Motions, Memorials, and Resolutions

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [S 1390](#), as amended, be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [S 1390](#), as amended, be read the first time

by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 67.

NAYS – None.

Absent and excused – Andrus, Bilbao, Sims. Total – 3.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [S 1390](#), as amended, was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Black to open debate.

The question being, "Shall [S 1390](#), as amended, pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 69.

NAYS – None.

Absent and excused – Sims. Total – 1.

Total – 70.

Whereupon the Speaker declared that [S 1390](#), as amended, passed the House. Title was approved and the bill ordered returned to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [S 1395](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [S 1395](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin,

DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 67.

NAYS – None.

Absent and excused – Andrus, Bilbao, Sims. Total – 3.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [S 1395](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Rusche to open debate.

The question being, "Shall [S 1395](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 69.

NAYS – None.

Absent and excused – Sims. Total – 1.

Total – 70.

Whereupon the Speaker declared that [S 1395](#) passed the House. Title was approved and the bill ordered returned to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [S 1406](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [S 1406](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 67.

NAYS – None.

Absent and excused – Andrus, Bilbao, Sims. Total – 3.
Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [S 1406](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Thompson to open debate.

The question being, "Shall [S 1406](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Henderson, Higgins, Jaquet, Killen, King, Lacey, Loertscher, Luker, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Shepherd, Shirley, Simpson, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 63.

NAYS – Harwood, Lake, Marriott, McGeachin, McMillan, Schaefer. Total – 6.

Absent and excused – Sims. Total – 1.
Total – 70.

Whereupon the Speaker declared that [S 1406](#) passed the House. Title was approved and the bill ordered returned to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [H 564](#), as amended, as amended in the Senate, be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [H 564](#), as amended, as amended in the Senate, be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 67.

NAYS – None.

Absent and excused – Andrus, Bilbao, Sims. Total – 3.
Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [H 564](#), as amended, as amended in the Senate, was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Wood(35) to open debate.

The question being, "Shall [H 564](#), as amended, as amended in the Senate, pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Chadderdon, Collins, Crane, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Perry, Raybould, Roberts, Schaefer, Shepherd, Shirley, Simpson, Smith(24), Stevenson, Thayne, Thompson, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 59.

NAYS – Burgoyne, Chew, Cronin, Higgins, Pence, Ringo, Rusche, Smith(30), Trail. Total – 9.

Absent and excused – Henderson, Sims. Total – 2.
Total – 70.

Whereupon the Speaker declared [H 564](#), as amended, as amended in the Senate, passed the House. Title was approved and the bill referred to the Judiciary, Rules, and Administration Committee for enrolling.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [H 693](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [H 693](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 67.

NAYS – None.

Absent and excused – Andrus, Bilbao, Sims. Total – 3.
Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [H 693](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bedke to open debate.

The question being, "Shall [H 693](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz,

Boyle, Chadderdon, Collins, Crane, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Perry, Raybould, Roberts, Schaefer, Shepherd, Shirley, Simpson, Smith(24), Stevenson, Thayne, Thompson, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 55.

NAYS – Buckner-Webb, Burgoyne, Chew, Cronin, Higgins, Jaquet, Killen, King, Lacey, Pence, Ringo, Rusche, Smith(30), Trail. Total – 14.

Absent and excused – Sims. Total – 1.
Total – 70.

Whereupon the Speaker declared that [H 693](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [S 1407](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [S 1407](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 67.

NAYS – None.

Absent and excused – Andrus, Bilbao, Sims. Total – 3.
Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [S 1407](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Buckner-Webb to open debate.

The question being, "Shall [S 1407](#) pass?"

Roll call resulted as follows:

AYES – Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 67.

NAYS – None.

Absent and excused – Anderson, Loertscher, Sims. Total – 3.
Total – 70.

Whereupon the Speaker declared that [S 1407](#) passed the House. Title was approved and the bill ordered returned to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [S 1409](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [S 1409](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 67.

NAYS – None.

Absent and excused – Andrus, Bilbao, Sims. Total – 3.
Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [S 1409](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Jaquet to open debate.

The question being, "Shall [S 1409](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hartgen, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, McGeachin, Moyle, Nessel, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shirley, Simpson, Smith(30), Smith(24), Stevenson, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 59.

NAYS – Barbieri, Barrett, Hart, Harwood, Luker, Marriott, McMillan, Nielsen, Shepherd, Thayne. Total – 10.

Absent and excused – Sims. Total – 1.
Total – 70.

Whereupon the Speaker declared that [S 1409](#) passed the House. Title was approved and the bill ordered returned to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [S 1410](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State

of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [S 1410](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 67.

NAYS – None.

Absent and excused – Andrus, Bilbao, Sims. Total – 3.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [S 1410](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Thompson to open debate.

Mr. Burgoyne asked unanimous consent that, pursuant to Rule 22, discussion of other pending legislation be allowed in debate of [S 1410](#). There being no objection it was so ordered.

The question being, "Shall [S 1410](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Chadderdon, Collins, Crane, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Perry, Raybould, Roberts, Schaefer, Shepherd, Shirley, Simpson, Stevenson, Thayne, Thompson, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 54.

NAYS – Buckner-Webb, Burgoyne, Chew, Cronin, Higgins, Jaquet, Killen, King, Lacey, Pence, Ringo, Rusche, Smith(30), Smith(24), Trail. Total – 15.

Absent and excused – Sims. Total – 1.

Total – 70.

Whereupon the Speaker declared that [S 1410](#) passed the House. Title was approved and the bill ordered returned to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [S 1408](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [S 1408](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 67.

NAYS – None.

Absent and excused – Andrus, Bilbao, Sims. Total – 3.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [S 1408](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Patrick to open debate.

The question being, "Shall [S 1408](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Chadderdon, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 66.

NAYS – None.

Absent and excused – Burgoyne, Chew, Pence, Sims. Total – 4.

Total – 70.

Whereupon the Speaker declared that [S 1408](#) passed the House. Title was approved and the bill ordered returned to the Senate.

Mr. Moyle asked unanimous consent that the House recess until 1:30 p.m.

Without objection, the Speaker declared the House at recess until 1:30 p.m.

RECESS

Afternoon Session

The House reconvened at 1:30 p.m., the Speaker in the Chair.

Prior to recess, the House was at the Seventh Order of Business.

There being no objection, the House returned to the Fourth Order of Business.

**Consideration of Messages from the
Governor and the Senate**

OFFICE OF THE GOVERNOR
Boise

March 27, 2012

The Honorable Lawrence Denney
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House bill, to wit:

H 556

As Always - Idaho, "Esto Perpetua"
/s/ C.L. "Butch" Otter
Governor

March 27, 2012

Mr. Speaker:

I transmit herewith enrolled **S 1383**, as amended, **S 1401**, **S 1402**, **S 1403**, **S 1404**, **S 1405**, **S 1393**, **S 1394**, **S 1396**, **S 1397**, **S 1398**, **S 1399**, and **S 1400** for the signature of the Speaker.

NOVAK, Secretary

The Speaker announced he was about to sign enrolled **S 1383**, as amended, **S 1401**, **S 1402**, **S 1403**, **S 1404**, **S 1405**, **S 1393**, **S 1394**, **S 1396**, **S 1397**, **S 1398**, **S 1399**, and **S 1400** and, when so signed, ordered them returned to the Senate.

March 27, 2012

Mr. Speaker:

I transmit herewith enrolled **SCR 125**, **SCR 130**, **SCR 131**, **SCR 132**, **SJM 103**, **SJM 104**, and **SJM 105** for the signature of the Speaker.

NOVAK, Secretary

The Speaker announced he was about to sign enrolled **SCR 125**, **SCR 130**, **SCR 131**, **SCR 132**, **SJM 103**, **SJM 104**, and **SJM 105** and, when so signed, ordered them returned to the Senate.

March 27, 2012

Mr. Speaker:

I return herewith enrolled **H 619**, as amended, **H 583**, **H 515**, as amended, **H 584**, as amended, **H 634**, **H 551**, and **H 648** which have been signed by the President.

NOVAK, Secretary

Enrolled **H 619**, as amended, **H 583**, **H 515**, as amended, **H 584**, as amended, **H 634**, **H 551**, and **H 648** were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

March 27, 2012

Mr. Speaker:

I return herewith enrolled **HJM 13**, **HCR 46**, and **HCR 49** which have been signed by the President.

NOVAK, Secretary

Enrolled **HJM 13**, **HCR 46**, and **HCR 49** were referred to the Judiciary, Rules, and Administration Committee for delivery to the Secretary of State.

Report of Standing Committees

March 27, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed **H 698**.

WILLS, Chairman

H 698 was referred to the Education Committee.

March 27, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled **H 458**, **H 682**, **H 668**, **H 669**, **H 674**, **H 675**, **H 676**, and **H 564**, as amended, as amended in the Senate.

WILLS, Chairman

The Speaker announced he was about to sign enrolled **H 458**, **H 682**, **H 668**, **H 669**, **H 674**, **H 675**, **H 676**, and **H 564**, as amended, as amended in the Senate, and, when so signed, ordered them transmitted to the Senate for the signature of the President.

March 27, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled **H 426**, as amended in the Senate, to the Governor at 10 a.m., as of this date, March 27, 2012.

WILLS, Chairman

There being no objection, the House advanced to the Twelfth Order of Business.

Consideration of General Orders

Mr. Moyle moved that the House do now resolve itself into a Committee of the Whole House for the consideration of General Orders. Seconded by Mr. Rusche. Motion carried.

Whereupon the House resolved itself into a Committee of the Whole House for the consideration of General Orders with Mr. Roberts in the Chair.

When the Committee of the Whole House rose, the Speaker returned to the Chair and the House was in order.

Report of the Committee of the Whole House

March 27, 2012

Mr. Speaker:

We, your COMMITTEE OF THE WHOLE HOUSE, report that we have had under consideration **H 477**, **H 670**, and **S 1303** and report them back without recommendation, amended as follows:

HOUSE AMENDMENT TO H.B. NO. 477

AMENDMENT TO SECTION 1

On page 1 of the printed bill, delete line 31, and insert: "fraud or collusion, or for any other fiscally prudent reason, which in the judgment of said"; delete lines 33 through 35, and insert:

"(5) The challenger of the current lease shall be required to provide payment of one (1) year's rental on the lease payable at the time of application to lease. If the amount of the"; and in line 41, following "notice." insert: "Any unsuccessful bidder is entitled to a refund of their payment."

CORRECTION TO TITLE

On page 1, delete lines 4 and 5, and insert: "LATING TO SPECIFIED LAW, TO REVISE PROVISIONS RELATING TO THE REJECTION OF BIDS AND TO PROVIDE THAT ANY UNSUCCESSFUL BIDDER IS ENTITLED TO A REFUND OF THEIR PAYMENT;"; and in line 6, delete "AUCTION;".

HOUSE AMENDMENT TO H.B. NO. 670

AMENDMENT TO SECTION 1

On page 1 of the printed bill, delete lines 24 through 26, and insert: "part of the tuition and fees at a qualified nonpublic school located in the state of Idaho.".

On page 2, delete lines 7 through 10, and insert:

"(6) "Qualified school" means a nonpublic elementary and/or secondary school in Idaho that complies with all of the requirements of the program.";

also on page 2, delete line 37, and insert:

"(7) In no event shall the aggregate amount of tax credits allowed pursuant to this section exceed ten million dollars (\$10,000,000) per tax year, except as provided below.

(a) If the amount of credit allowed pursuant to this section reaches";

and following line 47, insert:

"(8) The department shall allow the tax credits on a first come, first served basis.".

On page 3, delete line 6, and insert:

"(b) Be located in Idaho and demonstrate to the department that it has been granted exemption";

following line 19, insert:

"(f) Be prohibited from awarding or restricting the award of a scholarship to a specific eligible student at the request of a donor.";

also on page 3, in line 20, delete "(f)" and insert: "(g)"; in line 22, delete "(g)" and insert: "(h)"; in line 25, delete "(h)" and insert: "(i)"; in line 29, delete "(i)" and insert: "(j)"; in line 33, delete "(j)" and insert: "(k)"; in line 36, delete "(k)" and insert: "(l)".

On page 4, delete lines 35 through 37, and insert: "TIES.

(1) All participating nonpublic schools that accept educational scholarships under this act shall:

(a) Be required to operate in Idaho;"; in line 38, delete "(a)" and insert: "(b)"; in line 39, delete "(b)" and insert: "(c)"; in line 40, delete "and"; in line 41, delete "(c)" and insert: "(d)"; in line 42, delete "." and insert: ";"; delete line 43; and in line 44, delete "(a)" and insert: "(e)".

On page 5, in line 1, delete "(b)" and insert: "(f)".

CORRECTION TO TITLE

On page 1, delete lines 10 and 11, and insert: "RESPONSIBILITIES OF PARTICIPATING SCHOOLS; AND PROVIDING AN EFFECTIVE DATE.".

HOUSE AMENDMENT TO S.B. NO. 1303

AMENDMENT TO SECTION 2

On page 1 of the printed bill, in line 27, following "as" insert: "otherwise"; also in line 27, following "25-3503" insert: "or 25-3506"; in line 32, following "as" insert: "otherwise"; also in line 32, following "25-3503" insert: "or 25-3506"; in line 38, following "as" insert: "otherwise"; and also in line 38, following "25-3503" insert: "or 25-3506".

AMENDMENT TO THE BILL

On page 1, following line 23, insert:

"SECTION 2. That Section 25-3506, Idaho Code, be, and the same is hereby amended to read as follows:

25-3506. EXHIBITION OF COCKFIGHTS. (1)

Every person who participates in a public or private display of combat between two (2) or more gamecocks in which the fighting, killing, maiming or injuring of gamecocks is a significant feature is guilty of a misdemeanor and shall, upon conviction, be punished in accordance with section 25-3520A, Idaho Code.

(2) Every person who knowingly advertises, promotes or organizes a public or private display of combat between two (2) or more gamecocks in which the fighting, killing, maiming or injuring of gamecocks is a significant feature and at which:

(a) Any controlled substance listed in section 37-2732C, Idaho Code, is present; and

(b) Any act of gambling, as defined in section 18-3801, Idaho Code, occurs;

is guilty of a felony and shall, upon conviction, be punished in accordance with the penalty provisions in section 25-3520A(3)(a), Idaho Code.

(3) Every person who knowingly advertises, promotes or organizes a public or private display of combat between two (2) or more gamecocks in which the fighting, killing, maiming or injuring of gamecocks is a significant feature and at which:

(a) Gaffs or other artificial or mechanical means are used to enhance pain, inflict injury or to cause death; or

(b) Any substance to enhance activity, aggressiveness or bodily energy has been administered to a gamecock;

is guilty of a misdemeanor for a first violation and shall, upon conviction, be punished in accordance with the penalty provisions of section 25-3520A(1), Idaho Code. Any person convicted of a second or subsequent violation of the provisions of this subsection is guilty of a felony and shall, upon conviction, be punished in accordance with the penalty provisions of section 25-3520A(3)(a), Idaho Code. Each prior conviction shall constitute one (1) violation of the provisions of this subsection regardless of the number of counts involved in the conviction.

(4) Nothing in this section prohibits any customary practice of breeding or rearing game fowl, regardless of the subsequent uses of said game fowl.";

and in line 24, delete "SECTION 2" and insert: "SECTION 3".

CORRECTION TO TITLE

On page 1, in line 3, following "MISDEMEANORS;" insert: "AMENDING SECTION 25-3506, IDAHO CODE, TO PROVIDE FOR VIOLATIONS AND PENALTIES RELATING TO CERTAIN DISPLAYS OF COMBAT BETWEEN GAMECOCKS;"; and also in line 3, following "SECTION 25-3520A, IDAHO CODE," insert: "TO REVISE PROVISIONS RELATING TO PENALTIES FOR VIOLATIONS,".

We have also had under consideration [H 586](#), [S 1302](#), and [H 688](#), report progress and beg leave to sit again.

BEDKE, Chairman

Mr. Roberts moved that the report be adopted. Seconded by Mr. Rusche.

Whereupon the Speaker declared the report adopted.

[H 477](#), as amended, and [H 670](#), as amended, were referred to the Judiciary, Rules, and Administration Committee for engrossing.

[S 1303](#), as amended in the House, was filed for first reading.

[H 586](#), [S 1302](#), and [H 688](#) were retained on General Orders.

The amendments were referred to Judiciary, Rules, and Administration committee for printing.

There being no objection, the House returned to the Eleventh Order of Business.

Third Reading of Bills and Joint Resolutions

Mr. Moyle asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one legislative day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 9 a.m., Wednesday, March 28, 2012. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 1:59 p.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk